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December 27, 2021

Clerk of the Court to HONORABLE
EDWARD M. CHEN
UNITED STATES DISTRICT COURT
450 Golden Gate Avenue
San Francisco, CA 94102

Re: ***EDAG Engineering GmbH etc. vs. BYTON NORTH AMERICA CORPORATION etc.***
Case # 3:21-cv-04736-EMC

Dear Clerk of the Court for the Honorable Edward M. Chen:

I am one of the attorneys for the Plaintiff in the above entitled matter.

We are filing (ECF or otherwise) an Application and Order for Appearance and Examination (EJ-125) ("ORAP") and enclose a copy of the same. I request that Judge Chen issue the ORAP as required by C.C.P. Section 708.110(a) (or Magistrate).

The purpose of this letter is also to request that the court provide the date and time for the ORAP hearing. Our prior experience is that a magistrate judge will conduct the hearing ORAP hearing.

We are not available for January 24, 2022, February 23, 2022 and February 25, 2022, otherwise we are free for all other dates.

We are motivated to have the ORAP issued by the court and insert the date and time so we may proceed with enforcement of the judgment.

Thanks.

Very truly yours,

David J. Cook
cc: Keith A. Sipprelle, Esq.
via Email and fax.

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 60859 NAME: DAVID J. COOK, ESQ. FIRM NAME: COOK COLLECTION ATTORNEYS PLC. STREET ADDRESS: 165 Fell Street CITY: San Francisco, STATE: CA ZIP CODE: 94102 TELEPHONE NO.: (415) 989 4730 FAX NO.: (415) 989 0491 E-MAIL ADDRESS: COOK@SQUEEZE BLOOD FROM TURNIP.COM ATTORNEY FOR (name): EDAG ENGINEERING GmbH	FOR COURT USE ONLY
UNITED STATES DISTRICT COURT STREET ADDRESS: NORTHERN DISTRICT OF CALIFORNIA MAILING ADDRESS: 450 Golden Gate Avenue CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: SAN FRANCISCO DIVISION	
PLAINTIFF EDAG ENGINEERING GmbH etc. DEFENDANT BYTON NORTH AMERICA CORPORATION	
APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input checked="" type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input checked="" type="checkbox"/> Judgment Debtor <input type="checkbox"/> Third Person	CASE NUMBER: 3:21-cv-04736-EMC

ORDER TO APPEAR FOR EXAMINATION

1. TO (name): Examinee designated by Byton North America Corporation pursuant to C.C.P. Section 708.150(a) & (c)
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
 - a. ☒ furnish information to aid in enforcement of a money judgment against you.
 - b. ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 - c. ☐ answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: _____ Time: _____ Dept. or Div.: _____ Rm.: _____
 Address of court ☒ is shown above ☐ is: _____

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):
 LEGALESE ATTORNEY SERVICES LLC. AND/OR TONY KLEIN DBA SAN FRANCISCO ATTORNEY [SERVICES]

Date: _____

JUDGE

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE**APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION**

4. ☒ Original judgment creditor ☐ Assignee of record ☐ Plaintiff who has a right to attach order
 applies for an order requiring (name): Examinee designated by Byton North America Corporation*
 to appear and furnish information to aid in enforcement of the money judgment or to answer concerning property or debt.
5. The person to be examined is pursuant to C.C.P. Section 708.150(a)&(c)
 - a. ☒ the judgment debtor.
 - b. ☐ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
7. ☐ This court is not the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
8. ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2021

DAVID J. COOK, ESQ.

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

DAVID J. COOK, Esq. (060859)

(Continued on reverse)

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Information for Judgment Creditor Regarding Service

If you want to be able to ask the court to enforce the order on the judgment debtor or any third party, you must have a copy of the order personally served on the judgment debtor by a sheriff, marshal, registered process server, or the person appointed in item 3 of the order at least 10 calendar days before the date of the hearing, and have a proof of service filed with the court.

IMPORTANT NOTICES ABOUT THE ORDER**APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)**

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

APPEARANCE OF A THIRD PERSON (ENFORCEMENT OF JUDGMENT)

(1) NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined under this order has possession or control of property that is yours or owes you a debt. This property or debt is as follows (*describe the property or debt*):

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

APPEARANCE OF A CORPORATION, PARTNERSHIP, ASSOCIATION, TRUST, OR OTHER ORGANIZATION

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.



Request for Accommodations. Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation* (form MC-410). (Civil Code, § 54.8.)